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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/479,410 | 01/06/2000 | MICHELLE J. PILLERS | PA19.P15 | 3004 |

7590 05/09/2002
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MAY 13

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| EXAMINER | |
| HYLTON, ROBIN ANNETTE | |
| ART UNIT | PAPER NUMBER |

3727

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-------------------------------|--------------------------------|--|
| Application No. 09/479,410 | Applicant(s) PILLERS ET AL. | |
| Examiner Robin A. Hylton | Art Unit 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 12-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2002 has been entered.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should include at least one technical, or inventive, feature of the claimed instant invention.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilewitz (US 6,003,711) in view of Knight (US 3,209,964).

Bilewitz teaches a lid having a base member 16 with bayonet ears 15 and a vent hole 26 and a circular cap member 45 having cap member bayonet ears 32. At column 4, lines 23-26, it is disclosed that a hole corresponding to the base member vent hole may be provided in cap member 45. Bilewitz does not teach a seal means between the cap and base members for forming a seal when the holes are both aligned and misaligned.

Knight teaches a seal means between the cap and base members for forming a seal when the holes are both aligned and misaligned.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a seal means between the cap and base members for forming a seal when the holes are both aligned and misaligned to the lid of Bilewitz. Doing so would prevent inadvertent spillage and prevent fluid from collecting between the cap and base members.

Regarding claims 17 and 18, Bilewitz teaches diametrically opposed bayonet ears, but is silent regarding the angle subtended. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the angle subtended by one bayonet ear approximately 60 degrees and the other approximately 30 degrees, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 11 above, and further in view of Nergard (US 4,303,173).

Bilewitz as modified teaches the claimed lid except for an O-ring seal and screw threads. Bilewitz teaches the lid is attached to a drinking vessel in a manner known in the art, but is not specific about any particular structure.

Nergard teaches a lid having broken threads for mounting to a drinking vessel and an O-ring seal for sealing the drinking vessel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of screw threads to the modified lid of Bilewitz since the examiner takes Official Notice of the equivalence of a rib and groove arrangement, screw threads and broken threads for their use in the closure art and the selection of any of these known equivalents to secure a lid to a drinking vessel would be within the level of ordinary skill in the art. Additionally, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to apply the teaching of an O-ring seal adjacent the threads for sealing the drinking vessel as it is well known in the art to provide a seal between a lid and a vessel. Doing so would prevent spillage and/or seepage of the contents from the drinking vessel via the path between the lid and drinking vessel.

Allowable Subject Matter

6. Claims 12-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-10 are allowable over the art of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neward teaches a bayonet arrangement between lid components.

9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

10. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 305-3579 on the date shown below:

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Typed or printed name of person signing this certificate

Signature _____

Date _____


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works flexible schedule, but can normally be reached on Monday - Friday from 10:00 a.m. to 5:30 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bemby at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
May 3, 2002


Robin A. Hylton
Patent Examiner
GAU 3727